

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TEEN MODEL (a minor), by her parents, PARENTS,

Plaintiffs,

-v-

BLOOD IS THE NEW BLACK, URBAN
OUTFITTERS, INC., and BRANDY & MELVILLE
N.Y. INC.,

Defendants.

ORDER

11 CV 5766 (GBD)

GEORGE B. DANIELS, District Judge:

Defendant Brandy & Melville N.Y. Inc. moves for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c). “To survive a Rule 12(c) motion, [plaintiffs’] complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” *Hayden v. Paterson*, 594 F.3d 150, 160 (2d Cir. 2010) (quoting *Ashcroft v. Iqbal*, 129 S.Ct. 1937, 1949 (2009)). Plaintiff’s amended complaint articulates claims for relief against Brandy & Melville under the Lanham Act, New York Civil Rights Law, and for common law libel.


Brandy & Melville’s argument that its actions at issue are protected by the First Amendment is without merit. With regard to its other arguments, it is not appropriate at this juncture to determine the factual issues of whether Brandy & Melville reasonably relied on its supplier to obtain all necessary rights to the images at issue, or whether Brandy & Melville’s alleged use of the images was merely incidental and therefore not offending.

Plaintiff’s amended complaint sufficiently alleges causes of actions against Brandy & Melville under the Lanham Act, New York Civil Rights Law, and for common law libel.

Accordingly, Brandy & Melville's motion for judgment on the pleadings is DENIED.

Dated: New York, New York
March 5, 2012

SO ORDERED:



GEORGE B. DANIELS
United States District Judge